

**REMARKS**

Reconsideration and allowance of the subject patent application are respectfully requested.

Applicant acknowledges with appreciation that claims 1-28, 34-37 and 44 are allowed and that claims 40 and 41 contain allowable subject matter. Applicant notes that amendments of a formal nature have been made to claim 44.

Claims 29, 30 and 42 were rejected under 35 U.S.C. Section 102(b) as allegedly being "anticipated" by Emerson et al. (U.S. Patent No. 5,553,059). While not acquiescing in this rejection, claim 29 has been amended. As such, the discussion below makes reference to amended claim 29.

Claim 29 is directed to apparatus for remotely measuring characteristics of a communications line that includes a receiver unit connected to a remote end of the communications line and a sender unit connected to the other end of the communications line. The receiver unit includes a signal generator for generating a signal uniquely representing a selected characteristic of the communications line to be measured, a signal transmitter for transmitting the generated signal, and predetermined circuitry that is selectively connected across the communications line at the remote end based on the selected characteristic. The sender unit includes a signal detector that detects the signal transmitted from the receiver unit, measurement-related circuits, and a switching circuit controlled in accordance with the detected signal to selectively connect at least a predetermined one of the measurement-related circuits across the communications line at the other end to enable the selected characteristic of the communications line to be measured.

As previously discussed, Emerson et al. does not disclose, among other things, switching predetermined circuitry across a communication line at either end thereof to enable a selected characteristic of the line to be measured. Indeed, Emerson et al. does not disclose the measuring of a line characteristic at all. Rather, based on the checking of bit patterns, Emerson et al. determines whether a problem exists in a local loop or CSU/DSU and, if the problem is in the local loop, whether the problem is in the transmit or receive direction. No measurements of a line characteristic are described.

The Examiner agreed with Applicant's characterization of Emerson et al., but stated that claim 29 does not sufficiently distinguish over this document. Claim 29 has been amended along the lines of claim 1 and now calls for selectively connecting predetermined circuitry across the communications line at the remote end based on a selected characteristic of the communications line to be measured, and selectively connecting at least a predetermined one of measurement-related circuits across the communications line at the other end thereof to enable the selected characteristic of the communications line to be measured. Emerson does not disclose switching circuitry or circuits across a communications line at two ends thereof as claimed and thus does not anticipate claim 29 or claims 30 and 42 that depend therefrom.

Claims 31, 38, 39 and 43 were rejected under 35 U.S.C. Section 103(a) as allegedly being "obvious" over Emerson et al. in view of Borchering et al. (U.S. Patent No. 5,802,143). For the reasons set forth in the prior response (which reasons are incorporated herein), Borchering et al. does not remedy the deficiencies of Emerson et al. In particular, there is no circuitry in Borchering et al. that is connected across a communications line at a remote end and also at the other end thereof to enable a selected characteristic of the communications line to be measured. Consequently, the proposed combination of Borchering et al. and Emerson et al. would not have resulted in the features of claim 29 or of claims 31, 38, 39 and 43 that depend therefrom.

Claims 32 and 33 were rejected under 35 U.S.C. Section 103(a) as allegedly being "obvious" over Emerson et al. in view of Bass (U.S. Patent No. 3,920,975). Bass discloses a remote tester control system that provides switching between various modems, one being primary and the other being a back-up, connected to each remote station 12 and 26. Among other things, there is no disclosure in Bass of any predetermined circuitry that is connected across one or both ends of a communication line in order to enable a selected characteristic of the communications line to be measured. Thus, the combination of Emerson et al. and Bass would not have resulted in the subject matter of claim 29 or of claims 32 and 33 that depend therefrom.

WOODING


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The pending claims are believed to be allowable and favorable office action is respectfully requested.

Respectfully submitted,

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